sentenced to prison. He thereafter offered evidence of his general good reputation in the community in which he lived. This was excluded as incompetent on the ground that his reputation had not been impeached except by cross-examination. *Held,* that the exclusion was erroneous. *Derrick* v. *Wallace* (N. Y. 1916), 112 N. E. 440.

The holding in the instant case establishes the New York rule to be that an admission of conviction on cross-examination impeaches witness's moral character, and permits the calling of other witnesses to give evidence of the general reputation of the impeached witness for the purpose of rehabilitation. The decision is important in view of the fact that there seems to have been some doubt as to what the New York rule really was. The rule as announced in *People* v. *Rector,* 19 Wend. 569, would render admissible the evidence in the instant case. This rule was affirmed in *Carter* v. *People,* 2 Hill 317, and recognized in *People* v. *Hulse,* 3 Hill 309, but held not to be applicable to that case. In *People* v. *Gay,* 7 N. Y. 378, an admission by a witness on cross-examination that he had been admitted to bail on a charge of forgery was held not to render admissible evidence of his general good character. It was there said that *People* v. *Hulse* had in effect overruled the previous decisions of *People* v. *Rector* and *Carter* v. *People,* but this is clearly not the case, as is pointed out in the dissenting opinion of WILLIS, J., in *People* v. *Gay,* at p. 382. The decision in *People* v. *Gay* is in perfect accord with the rule as laid down in the early case of *People* v. *Rector,* nor is it in any way inconsistent with the decision in the instant case. A mere accusation of crime does not impeach one's moral character as does a conviction. There is a clear conflict in the cases as to the rule which should be applied in cases of impeachment of moral character by cross-examination. The authorities on both sides are collected, WIGMORE, § 1106, note. For a later case reviewing the authorities see *First National Bank of Bartlesville* v. *Blakeman,* 19 Okla, 106, 91 Pac. 868, 12 L. R. A. (N. S.) 364.

HUSBAND AND WIFE—LOSS OF CONSORTIUM.—Plaintiff's husband was severel ly injured and crippled for life through the negligence of the defendant. Plaintiff sues for the loss of her husband's society, companionship, affection and assistance caused by the injury. *Held,* (one justice dissenting), that the facts did not constitute a cause of action. *Smith* v. *Nicholas Bldg. Co.* (Ohio 1915), 112 N. E. 204.

At common law the husband had two causes of action for injury to his marital rights in which the loss of consortium formed the gist of the action: (1) Where the defendant alienated the affections of the wife, (*Heermance* v. *James,* 47 Barb. (N. Y.) 120; *Prettyman* v. *Williamson,* 1 Penn. (Del.) 224; *Hartpence* v. *Rodgers,* 143 Mo. 623, 635; *Rudd* v. *Rounds,* 64 Vt. 432; *Ireland* v. *Ward,* 51 Ore. 102); and (2) where the defendant injured the wife by negligent act, (*Guy* v. *Livesay,* Cro. Jac. 501; *Hyatt* v. *Adams,* 16 Mich. 180; *Sanford* v. *Augusta,* 32 Me. 536; *Hopkins* v. *Atlanta & St. Lawrence Ry.,* 36 N. H. 9; *Whitcomb* v. *Barre,* 37 Vt. 148; *Birmingham So. Ry. Co.,* v. *Lintner,* 141 Ala. 420; 3 BLACKSTONE, COM. *139, *140).

The wife had no remedy for the corresponding injuries to her marital rights because of her inferior position and her inability to sue in her own name or to retain her choses in action, PECK, DOM. REL., § 15. Consortium has been defined as the right of the husband and wife, respectively, to the conjugal fellowship, company, co-operation and aid of the other, 1 BOUVIER (3rd ed.) 621. The common law conception of consortium, however, included not only the sentimental element of the husband's right to the companionship, society and affection of his wife, but as well the practical element of his property right to her services in the household. The loss of services formed the gist of the action and constituted an injury capable of estimation in money to which the loss of society, companionship and affection could be added by way of aggravation. *Marri* v. *Stamford Street Ry. Co.*, 84 Conn. 9; *Gregory* v. *Oakland Motor Car Co.*, 181 Mich. 101. It was urged in the instant case that as the wife's common law disabilities had been removed by statute, the right to sue for loss of consortium arising from the negligent injury of her husband should be extended to her. However, the wife's right to her husband's consortium lacks the essential element of a property right to his services. The cases are uniform in denying the wife's right of action upon such facts. *Goldman* v. *Cohen*, 30 Misc. Rep. (N. Y.) 336; *Feneff* v. *N. Y. C. & H. R. Ry. Co.*, 203 Mass. 278; *Stout* v. *Kan. City Term. Ry. Co.*, 172 Mo. App. 113; *Gambino* v. *Mftr.'s Coal & Coke Co.*, 175 Mo. App. 653; *Brown* v. *Kistleman*, 177 Ind. 692; *Patelski* v. *Snyder*, 179 Ill. App. 24; 12 MICH. L. REV. 72. It is true that the modern cases recognize the right of the wife to sue for loss of consortium arising from intentional wrong-doing on the part of the defendant, such as persistently selling a habit-forming drug to the husband (*Flandermeyer* v. *Cooper*, 85 Ohio St. 327) or alienating his affections (*Foot* v. *Card.* 58 Conn. 1; *Rice* v. *Rice*, 104 Mich. 371; *Betser* v. *Betser*, 186 Ill. 537; *Haynes* v. *Nowlin*, 129 Ind. 581; *Bennett* v. *Bennett*, 116 N. Y. 584). However, this class of wrongs strikes directly at the marital relation and the rule has a strong foundation in public policy. Loss of consortium arising from negligent injury seems to be on the defensive as a cause of action, for not only do the courts refuse the wife relief for such a loss, but some jurisdictions are now denying the husband's right to sue for such an injury. *Bulger* v. *Boston Elevated Ry.*, 205 Mass. 420; *Whitcomb* v. *N. Y., N. H. & H. Ry.*, 215 Mass. 440; *Marri* v. *Stamford Street Ry.*, supra; *Blair* v. *Seitner Dry Goods Co.*, 184 Mich. 304; 13 MICH. LAW REV., 704.

INJUNCTION.—RESTRAINING THE LAWFUL ISSUANCE OF MUNICIPAL BONDS.—A town council lawfully voted the issuance of bonds for the construction of a certain public utility, but really intended to devote the funds thus derived to another and unauthorized utility. Complainant, a taxpayer of the town, successfully enjoined the issuance of these bonds upon the theory that a taxpayer may restrain the unlawful disposition of public funds. *Town of Afton et al* v. *Gill.* (Okla. 1916), 156 Pac. 658.

The question presented to the court was whether or not the issuance of